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PATENTS
107059-0033
M-5127

2005 DEC 20 PM 4:33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:
Alan J. Soucy

Serial No.: 10/607,699

Filed: June 27, 2003

For: METHODS OF PROVIDING RE-
FUELING FOR FUEL CELL-
POWERED DEVICES

Examiner: Maust, Timothy Lewis

Art Unit: 3751

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
December 15, 2005

CERTIFICATE OF MAILING

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 15, 2005.


Elaine Cruz

The following papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

- ☒ Request for Refund
- ☒ Copy of Petition to Withdraw from Issue as filed 11/21/2005
- ☒ Copy of Request for Continued Examination as filed 11/21/2005
- ☒ Copy of Deposit Account Statement
- ☒ Return Receipt Postcard



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Elaine Cruz

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

REQUEST FOR REFUND

We respectfully request a refund of (\$920) which is one-half of the \$1840 paid upon the filing of a Petition to Withdraw from Issue (\$130) and a Request for Continued Examination (\$790) in the above-identified application. The Petition and the Request for Continued Examination were filed by way of facsimile transmission, and a confirmation

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copy (including copies of all cited references which were too bulky to send by facsimile) was sent by United States Express Mail on November 21, 2005. Therefore, it is believed that the deposit account was erroneously charged twice for the Petition to Withdraw from Issue and the Request for Continued Examination. A copy of the Deposit Account Statement for the firm is also enclosed. The reference number for these transactions appears as 10607699.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



Rita M. Rooney
Reg. No. 30,585
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500

Practitioner's Docket No. 107059-0033**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Alan J. Soucy**Application No.: **10 / 607,699** Group No.: **3751**Filed: **June 27, 2003**

For:

Examiner: **Timothy Lewis Maust**Date of mailing "Notice of Allowance and
Base Issue Fee Due" **August 8, 2005**Batch No. **7710**

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID
(37 C.F.R. § 1.313(c))

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be wither submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Express Mail certification is optional.)

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37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***

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☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) **571-273-0025**

Date: **11/21/2005**

Signature

Elaine Cruz

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: In the Notice of May 9, 2000 "Patents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" (OG, May 9, 2000, page 39) the PTO points out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

PATENT ISSUE FEE

2. The issue fee for this case has been paid on September 15, 2005

(complete the following if known)

This application is scheduled to - **DATE NOT YET AVAILABLE**

- ☐ issue on _____
☐ as patent _____

REASON(S) FOR WITHDRAWAL REQUEST

NOTE: "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ one or more of the claims are unpatentable.
(b) ☒ consideration of a request for continued examination under § 1.114.
(c) ☐ for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application.
(d) ☐ for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached 2 sheet(s).

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 2 of 3)

AMENDMENT

NOTE: Any amendment accompanying a petition to withdraw an application from issue should comply with the requirements of § 312 (Amendment after allowance).

4. ☐ Accompanying this petition is an amendment.

PETITION FEES**5. PETITION FEES (37 C.F.R. § 1.17(h))**

The fee set forth in § 1.17(h), required by 37 C.F.R. § 1.313(a), is paid as follows:

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ _____
- ☒ Authorization is hereby made to charge the amount of \$ 130.00, Sec. 3.17(h)
- ☒ to Deposit Account No. 03-1237
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 30,585

Tel. No.: (617) 951-2500

Customer No.: 24267

Rita M. Rooney
SIGNATURE OF PRACTITIONER

Rita M. Rooney
(type or print name of practitioner)

88 Black Falcon Avenue

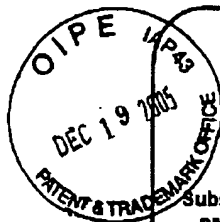
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Boston, MA 02210

Plus 3 Added Pages

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 3 of 3)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST
FORCONTINUED EXAMINATION (RCE)
TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/607,699
Filing Date	June 27, 2003
Examiner Name	Maust, Timothy Lewis
First Named Inventor	Alan J. Soucy
Group Art Unit	3751
Attorney Docket Number	107059-0033

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
any deficiencies in
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1237
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$790 enclosed (= RCE fee)
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Rita M. Rooney	Registration No. (Attorney/Agent)	30,585
Signature		Date	November 21, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Patent Office via Facsimile and Express Mail, addressed to: Mail Stop - RCE, Commissioner For Patents, Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on 11/21/05

Name (Print/Type)	Elaine Cruz		
Signature		Date	November 21, 2005

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Requested Statement Month: November 2005
Deposit Account Number: 031237
Name: CESARI AND MCKENNA, LLP
Attention: ATTN: CAROL VANDENBURGH
Address: 88 BLACK FALCON AVENUE
City: BOSTON
State: MA
Zip: 02210
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/22	25	10607699	107044-0033 1464		\$130.00	\$7,962.38
11/22	26	10607699	107044-0033 1801		\$790.00	\$7,172.38
11/25	167	10607699	107044-0033 1464		\$130.00	\$7,002.38
11/25	168	10607699	107044-0033 1801		\$790.00	\$6,212.38

Practitioner's Docket No. 107059-0033**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Alan J. Soucy**Application No.: **10 / 607,699** Group No.: **3751**Filed: **June 27, 2003**

For:

Examiner: **Timothy Lewis Maust**Date of mailing "Notice of Allowance and
Base Issue Fee Due" **August 8, 2005**Batch No. 7710Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID**
(37 C.F.R. § 1.313(c))

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be wither submitted by facsimile or hand-carried to the Office of Petions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☐ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

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Signature

Elaine Cruz

(type or print name of person certifying)

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(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 1 of 3)Adjustment date: 01/17/2006 SFELEKE1
11/25/2005 WABDELRI 00000102 031237 10607699
01 FC:1464 130.00 CR11/25/2005 WABDELRI 00000102 031237 10607699
01 FC:1464 130.00 DA



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FOR
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(Any unentered amendment(s) referred to above will be entered).
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- iii. ☐ Other _____
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- i. ☐ Amendment/Reply
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Rita M. Rooney	Registration No. (Attorney/Agent)	30,585
Signature		Date	November 21, 2005

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Name (Print /Type)	Elaine Cruz		
Signature		Date	November 21, 2005

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11/25/2005 WABDELRI 00000102 031237 10607699
02 FC:1801 790.00 DA

Adjustment date: 01/17/2006 SFELEKE1
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